

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:	)	
	)	LEAD CASE
RUBY TUESDAY, INC	)	NO. 20-12456
	)	
Debtors	)	
	)	
	)	
<hr/>		
	)	
	)	
A.G. by JOHN GODWIN,	)	
	)	
Movant,	)	CHAPTER 11
	)	
vs.	)	
	)	
RUBY TUESDAY, INC.,	)	
	)	
Respondent.	)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and the lawsuit between the parties.

2.

Movant is the Plaintiff in a lawsuit against Respondent for personal injury to A.G. The incident on which the lawsuit is based occurred on July 10, 2018, when the minor child's finger was nearly severed by the hinge-side of the door at the Movant's restaurant location in College Park, Georgia. Movant was rushed to the hospital where he underwent multiple surgeries.

3.

Suit was filed on March 29, 2019. An answer was filed and the parties have completed discovery in the case.

4.

The parties have a prepared Pre-Trial Order and are ready to try this case. They need a determination of liability and damages from a jury to fully determine the value of Movant's claim against Respondent. Movant's claim will not be adequately protected without such trial.

5.

The parties have engaged in settlement negotiations which have been fruitful. Movant believes there is a moderate chance the case may be settled before trial. Movant's claim will not be adequately protected without the ability to continue such negotiations.

6.

Due to the hardship of the fact that Plaintiff in this lawsuit is located in Georgia and the pandemic, Movant requests that any hearings be set virtually.

WHEREFORE, Movant prays

(1) for an Order modifying the automatic stay, authorizing Movant, its successors and assigns, to proceed with settlement negotiations and/or a jury trial in the case under appropriate state statutes; and

(2) for waiver of Bankruptcy Rule 4001 (a)(3); and

(3) for such other and further relief as is just and equitable.

/s/ *Lesley A. Dinoff*

Lesley A. Dinoff, Georgia Bar No. 808580

Virginia Shapard Church, Georgia Bar No. 472757

The Dinoff Law Group  
128 N. 5<sup>th</sup> Street  
Griffin, GA 30223  
678-603-1052  
lesleydinoff@thedinofflawgroup.com

**CERTIFICATE OF SERVICE**

I, Lesley A. Dinoff of The Dinoff Law Group, LLC, 128 N. 5<sup>th</sup> Street, Griffin, GA 30223, do hereby certify:

That I am, and at all time hereinafter mentioned was, more than 18 years of age:

That on the 15<sup>th</sup> of March, 2021 I served, via U.S. mail with sufficient postage thereon, a copy of the within Motion for Relief from Stay filed in this bankruptcy matter on:

James E. O'Neill  
Attorney for Respondent  
Pachulski Stang Zuehl & Jones LLP  
919 N. Market Street  
17<sup>th</sup> Floor  
Wilmington, DE 19801

E. Holland Howanitz  
Hadley H. Mann  
Attorneys for Defendant in Case No. 2019CV01244-09, Clayton Co., Georgia  
700 Gloucester, St., Suite 301  
Brunswick, Ga 31520

This 15<sup>th</sup> of March, 2021

/s/ Lesley A. Dinoff  
LESLEY A. DINOFF, GEORGIA BAR NO. 808580  
VIRGINIA S. CHURCH, GEORGIA BAR NO. 472757  
Attorneys for Movant  
The Dinoff Law Group, LLC  
128 N. 5<sup>th</sup> Street  
Griffin, Georgia 30223  
678-603-1052 (phone)  
678-603-1102 (fax)  
lesleydinoff@thedinofflawgroup.com